

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FT. LAUDERDALE DIVISION

Case No. 00-06020-CIV FERGUSON/SNOW

STACY WHEELER.

Plaintiff.

v.

DR. MOHSIN JAFFER.

Defendant.

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES

Defendant, DR. MOHSIN JAFFER, by and through his counsel, Phillips, Richard, Rind & Navarrete, P.A., answers the Complaint and alleges:

1. Defendant admits that Plaintiff purports to bring this action under the Fair Labor Standards Act ("FLSA") and therefore the Court has jurisdiction over the matter; however, Defendant denies that Plaintiff has stated a cause of action under the FLSA, or that the Plaintiff is entitled to relief.

2. Defendant denies paragraph 2.

3. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3.

4. Defendant denies paragraph 4.

5. Defendant denies paragraph 5.

6. Defendant objects to paragraph 6 on the ground that said paragraph asks for a legal conclusion.

5

7. Defendant admits paragraph 7.

8. Defendant denies paragraph 8.

9. Defendant denies paragraph 9.

10. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10.

11. In response to paragraph 11, Defendant readopts and reincorporates its responses to paragraphs 1 through 9 of the Complaint.

12. Defendant denies paragraph 12.

13. Defendant denies paragraph 13.

14. Defendant denies paragraph 14.

AFFIRMATIVE DEFENSES

15. Plaintiff has failed to state a claim upon which relief may be granted.

16. All or part of Plaintiff's claim is barred by the applicable statute of limitations.

17. Plaintiff is an exempt employee under the FLSA.

18. At all times material to this cause of action, Defendant acted in good faith.

19. Plaintiff failed to mitigate her damages.

20. Plaintiff's claim is barred by the doctrine of estoppel.

21. The overtime worked by the Plaintiff, if any, was de minimis.

22. The overtime worked by the Plaintiff, if any, was preliminary or postliminary to her principal activity or activities.

23. Defendant is entitled to a set off of all compensation paid for time not worked and premium rates paid.

Respectfully Submitted,

PHILLIPS, RICHARD, RIND &
NAVARRETE, P.A.

6950 North Kendall Drive

Miami, Florida 33156

Telephone: (305) 662-5700

Facsimile: (305) 662-4444

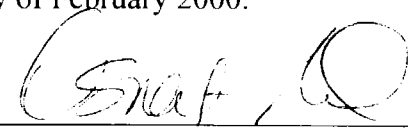
By: 

Osnat K. Rind

Florida Bar No: 0958638

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was sent by U.S Mail to Nanci S. Landy, Esq., Altchul, Landy & Collier, P.A., 2700 South Commerce Parkway, Suite 305, Weston, Florida 33331, this 14th day of February 2000.

BY: 
Osnat K. Rind